

PLANNING AND ZONING COMMISSION
Tuesday December 10, 2007 – MINUTES – Regular Session

Call to Order: Time In: 7:00 p.m.

The Planning and Zoning Commission of the Village of Canal Winchester met on the above date for a regular session and was called to order by Mr. Christensen.

Roll Call

Present: Mr. Christensen, Mr. Graber, Mr. Harper, Mr. McCoy, Ms. Solomon, Mr. Vasko and Mr. Wynkoop.

Approval of Minutes

Mr. Harper made a motion to approve the minutes of the November 13, 2007 regular meeting. Ms. Graber seconded the motion. The motion passed unanimously, 7 to 0.

Mr. Christensen announced that Mr. Harper and Mr. McCoy would not continue to serve on the Planning and Zoning Commission. Mr. Christensen thanked Mr. Harper and Mr. McCoy for serving on the commission for the last four years.

Public Comment

Jeffery Bond, 36 Washington Street, stated that he was disappointed that Council does uphold the decisions of the Planning and Zoning Commission.

Administration of Public Oath

Mr. Christensen administered the public oath.

Preservation Area

Application #PA-07-05 Property owner Rob Adams and applicant Joe Massey, for a property located at 168 West Waterloo Street, requested Preservation Area approval for a new home. Andrew Dutton, Zoning Officer, gave the staff report. Mr. Massey was present to answer questions from the commission.

Mr. McCoy asked if there were any other new or renovated homes in the Preservation Area that have used vinyl siding. Allan Neimayer, Planning and Zoning Administrator, responded that he could not recall any renovated homes that were permitted vinyl siding in the Preservation Area.

Mr. Christensen noted that Patrick Murphy from the Landmarks commission was present to answer any questions from the Commission.

Ms. Solomon asked if the roof type on the proposed home would match existing roofs in the Preservation Area. Mr. Murphy stated that there was only one other house in the Preservation Area with a hipped roof. Mr. Massey further stated that applicant utilized a hip roof in order to match the roof of an existing barn in the rear of the property. Mr. Neimayer commented on the roof style stating that the Preservation Guidelines state that a gabled or hip style roof is preferred.

Mr. McCoy inquired about the landscaping for the property. Mr. Massey stated that he had not yet progressed that far in the plans. Mr. McCoy asked Mr. Neimayer if the new residential standards had any requirements for landscaping. Mr. Neimayer stated that a section of the new residential standards outlines landscaping requirements.

Mr. McCoy inquired if the siding could be changed to hardi plank instead of vinyl. Mr. Harper stated that he also had an issue with the use vinyl siding on a new home in the Preservation Area. Mr. Harper asked Mr. Murphy for his opinion on the use of vinyl siding. Mr. Murphy stated that Landmarks Commission would normally stay away from vinyl siding. Mr. Neimayer added that the Preservation Guidelines state that wood, stone or brick are preferred exterior materials for new builds in the Preservation Area.

Mr. Vasko stated that there was only one brick home and one wood home in the immediate area while all the others area structures utilized vinyl siding. Mr. Vasko asked the commission which material would be more appropriate for the area. Mr. Massey stated that if the property owner uses natural materials, he may not be able to get the value back out of the home because of the surrounding structures. Mr. Graber stated that area homes need to be consistent with surrounding structures. He further stated that the use of a natural material may look out of place as the surrounding area mostly utilized vinyl siding.

Mr. McCoy made a motion to approve application #PA-07-05 with the condition that the exterior be wood, brick, stone or hardi plank. Mr. Vasko seconded the motion. The motion passed unanimously 7 to 0.

Public Hearing

Application #VA-07-13 Property owners/applicants Patrick and Lucinda Lynch, for a property located at 27 East Columbus Street, requested a Variance to Section 1157.04(a)(6) regarding side yard setbacks in a residential district. Andrew Dutton, Zoning Officer, gave the staff report. Patrick and Lucinda Lynch were present to answer questions from the commission.

There was no public comment.

Mr. Vasko made a motion to close the public hearing. Mr. Harper seconded the motion. The motion passed unanimously 7 to 0.

Mr. McCoy made a motion to approve application #VA-07-13 as presented. Mr. Harper seconded the motion. The motion passed unanimously 7 to 0.

Application #ZA-07-04 Property owners Shirley Meuser and Marcia Moorefield and applicant Tim Spencer, Newpointe Real Estate, LLC, for properties located at the northeast corner of West Waterloo Street and Cemetery Road, requested a zoning amendment to change the zoning of 4.95 acres from General Commercial (GC) and Limited Manufacturing (LM) to Planned Commercial District (PCD) for an office and retail development. Allan Neimayer, Planning and Zoning Administrator, gave the staff report. Tim Spencer was present to answer questions from the commission.

Mr. Graber asked if the rear portion of the property was in the floodplain or in floodway. He also inquired if development was not permitted the floodway. Mr. Neimayer responded that eastern portions of the properties was in the floodway and could not be developed.

Mr. Graber asked if there will be an entrance from the back of the buildings, or only from the front of the building. Mr. Spencer stated that there would be two entrances, the main entrance would be in the front while the second rear entrance would likely be for employees only. Mr. Spencer stated that the building would be designed to be seen from all four sides and the rear would not look like the rear of a strip mall. He further stated that the future buildings on the outlot and to the rear of the properties would continue a similar architectural style.

Mr. Christensen opened the floor for public comment.

Jeffery Bond, 36 Washington Street, stated that he had concerns that future buildings were not shown on the proposed plans.

Mr. Vasko made a motion to close the public hearing. Mr. Harper seconded the motion. The motion passed unanimously 7 to 0.

Mr. McCoy said he understood why the entire project could not be drawn out upfront, but did not want to create the same situation as the Burger King application. The commission then discussed permitted and prohibited uses for the project.

Mr. Neimayer reminded the commission that the applicant has proposed a Planned District, which includes a zoning text. He continued that any issues regarding materials, uses and access, etc. need to be examined at this time.

Mr. McCoy asked if the building would utilize dimensional shingles. Mr. Spencer stated the buildings would have dimensional shingles.

The commission continued a discussion of what types of businesses, including types of restaurants, would be appropriate for the retail portion of the application.

Mr. Vasko made a motion to approval application #ZA-07-04 with the following conditions:

1. The issue regarding possible one way traffic and angled parking in front of the proposed retail building will be reviewed after a detailed traffic study has been provided.
2. A separate floodplain permit along with required supporting data to be filed for review and approval.
3. A traffic analysis or traffic study, to be determined by the village engineer, to be submitted for review and approval.
4. Final landscaping and civil engineering plans to be submitted for review and approval.
5. Final off-street parking space requirements, as well as the need for off-street loading spaces, to be determined with the final development plan review.
6. A detailed signage plan for the development (wall signs, monument signs, directional signs) to be submitted with the final development plan review.
7. The applicant or future owner agrees to work with the village on development standards appropriate to the actual use of Out Lot "D".
8. Traditional materials shall be used on the exterior of the structures such as wood, brick, stone, or hardi plank.
9. All rooftops shall be dimensional shingles shall be used.

10. There will be no drive thru restaurants i.e. McDonald's, Wendy's etc.
11. There will be no check cashing businesses except banks and/or credit unions.
12. There will be no discount retail establishments, i.e. dollar store, discount tobacco stores etc.

Mr. Wynkoop seconded the motion. The motion passed unanimously 7 to 0.

Pending Applications

Application #ZA-07-05 Property owner Wendy's International Inc. and applicant John Oney of Architectural Alliance, for property located at 202 Cemetery Road, requested a zoning amendment to change the zoning of 5.025 acres from General Commercial (GC) to Exceptional Use (EU) for a Byers Auto Sales lot. Mr. Neimayer gave the staff report. John Oney and Jeff Peters of Byers Auto Sales were present to answer questions from the Commission.

Mr. Oney outlined the project and discussed their plans for the property.

Mr. Harper asked what the applicant considered "high-end" used car sales. Mr. Peters stated that high-end vehicles would be a priced at approximately \$10,000 or more. Mr. Harper stated he did not consider that a "high-end" lot.

Mr. Harper inquired if Byers had any "buy here, pay here" lots. Mr. Peters said no, Byers does not.

Mr. Christensen opened the floor for public comment.

Steve Clippinger, 434 Sarwil Drive North, stated that he, nor his neighbor at 445 Sarwil Drive North, wanted a used car lot behind their homes.

Jeffery Bond, 36 Washington Street, stated that he liked Byers, but didn't want a car lot.

Mr. Vasko made a motion to close the public hearing. Mr. Wynkoop seconded the motion. The motion passed unanimously 7 to 0.

Mr. McCoy stated that he is not in favor of any kind of car lot, regardless of the price of the vehicles. He continued to state that he would like to see more structural changes to the building so it no longer looks like a former Wendy's.

Mr. Graber said that as much as everyone would like to see the site renovated, he was not in favor of the proposed use.

Mr. Wynkoop stated that after hearing concerns from the neighbors and other people in the Village, he also had concerns for this type of use. Mr. Christensen concurred with Mr. Wynkoop.

Mr. McCoy made a motion to approve application #ZA-07-05 with the removal of "The permitted uses shall be those permitted in the GC (General Commercial District) and the following" from the limitation text. Mr. Vasko seconded the motion. The motion failed unanimously 0 to 7.

Application #VA-07-14 Property owner Wendy's International Inc. and applicant John Oney of Architectural Alliance, for property located at 202 Cemetery Road, requested a variance to Section 1153.20 to allow used car sales not in conjunction with new car sales.

Mr. Wynkoop made a motion to table application #VA-07-14 pending Council's ruling on Zoning Amendment #ZA-07-04. Mr. McCoy seconded the motion. The passed unanimously 7 to 0.

Pending Applications

Application #SDP-07-01 Property owner Wendy's International Inc. and applicant John Oney of Architectural Alliance, for property located at 202 Cemetery Road, requested a Site Development Plan approval for a Byers Auto sales lot.

Mr. Wynkoop made a motion to table application #SDP-07-01 pending Council's ruling on Zoning Amendment #ZA-07-04. Mr. McCoy seconded the motion. The passed unanimously 7 to 0.

New Business

1. The commission discussed the location of a winery on an existing tennis court located southeast of 700 Winchester Pike.

Damon Pfeifer presented the project and explained the changes he was making. Mr. Pfeifer stated that he would like the opinion of the commission before proceeding with a formal submission.

Mr. Wynkoop asked how large the building would be. Mr. Pfeifer stated the building would be approximately 3,400 square feet.

Mr. Vasko asked if Mr. Pfeifer would be willing to have a condition that no home would be built on the residential lot in front of the winery location. Mr. Pfeifer said yes, he would agree to the condition.

The commission asked Mr. Neimayer if it was allowable to have a commercial parking on an adjacent property. Mr. Neimayer stated that it was permitted as long as there was a shared agreement between the two parties and requirements of the Zoning Code were met.

Mr. Wynkoop stated that he wanted more information before he could make a decision. The rest of the commission agreed with Mr. Wynkoop.

2. Brent Justice, a representative of Mount Carmel, and John Stiles, from the Design Group, gave an informal presentation on plans for a medical site on Diley Road.

Mr. Justice discussed the three different phases of constructions.

Mr. Stiles reviewed the site plan for the project. He discussed the access points for the different phases of construction as well as the wetlands on the site.

Mr. McCoy suggested that the front pond be a retention pond instead of a detention pond. He also stated that he would like to see the exterior materials to be brick.

Mr. Wynkoop asked if they were able to get the access to the site from Dove Parkway. Mr. Stiles responded that they had been working with land owners to get an easement to allow access to Dove Parkway.

The commission inquired about the landscaping feature at the entrance on Diley Road. Mr. Stiles stated that they would like to leave the front green space area as natural, but landscaping could be done. He continued that they will work to compliment what Meijer's landscaping on the east side of Diley Road.

Old Business

Mr. Vasko asked if the validity of the zoning map is in question with the rezoning of the Pfeifer land. Gene Hollins, Village Solicitor stated that when the zoning map is updated, the zoning will be officially changed.

Mr. Wynkoop asked if Altercare's footprint had changed, as it looks as if there will not be enough room for the emergency vehicle turnaround. Mr. Neimayer stated that the footprint had not changed.

Planning and Zoning Administrator's Report

Mr. Neimayer relayed to the Planning and Zoning Commission that Council had overturned the commission's previous denial of Burger King's Conditional Use Request. He continued that the commission should expect Burger King's site plan to come back to them in January.

Mr. Neimayer reminded the commission that the meeting with KCDG concerning land use would take place on Thursday at 5:30 pm.

Mr. Neimayer stated that a member of the Planning and Zoning Commission will need to present at Council for the two zoning amendment applications from tonight. He continued that once a date has been set for the Council meeting, most likely in February, he would e-mail commission members to see who is available to attend.

Mr. Harper and Mr. McCoy thanked the other commission members from their time serving on the Planning and Zoning Commission.

Adjournment

Mr. Harper made a motion to adjourn this regular meeting of the Planning and Zoning Commission. Mr. McCoy seconded the motion. The motion passed unanimously 7-0.

Time Out: 10:38 p.m.

Date _____

Bill Christensen, Chairman

Mike Vasko, Secretary